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10/549,423	09/15/2005	Hidekazu Suzuki	MAT-8749US	9468
52473	7590	02/01/2010	EXAMINER	
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482				MCNALLY, MICHAEL S
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/549,423	SUZUKI, HIDEKAZU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael S. McNally	2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 November 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-6,9,11-14 and 17-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-6,9,11-14 and 17-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

## **Detailed Action**

### **Status of Claims:**

1. Claims 1-19 are pending in this Office Action.
2. Claims 1, 3-6, 9 and 11-14 are amended.
3. Claims 17-19 are new.
4. Claims 2, 7, 8, 10, 15 and 16 are cancelled.
5. The 35 U.S.C. 112 second paragraph rejection as to claim 13 is withdrawn based on applicant's amendment.
6. The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

### **Response to Arguments**

7. Applicant's arguments filed in the amendment filed 20 November 2009 have been fully considered but they are not persuasive. The reasons are set forth below.

**Applicant's invention as claimed:**

***Claim Objections***

8. Claim 17 is objected to because of the following informalities: Claim 17 recites “a second digital interface” without first reciting a “first digital interface”. Examiner recognizes that “a first digital interface” is later recited, but the current claim language is unnecessarily confusing, as one of ordinary skill in the art might reasonably believe after reading the first limitation of claim 17 that some portion of the claim is missing.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**10. Claims 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Application Publication No. EP0930556 by Komuro et al.**

As to **claim 17**, *Komura* discloses a revocation information transmission method comprising the steps of:

executing mutual authentication between a contents transmitting equipment and a contents receiving equipment (*Komuro*: Fig 11; Page 11, Sec 88-90), executed by the contents transmitting equipment which reads authentication information of the contents

receiving equipment through a second digital interface (*Komuro*: Fig 11; Page 11, Sec 88-90); and

outputting revocation information including key information of mutual authentication failure from the contents transmitting equipment or the contents receiving equipment in case of mutual authentication failure (*Komuro*: Fig 11; Page 11, Sec 88-90),

wherein the revocation information transmission method is used in a system comprising a contents transmitting equipment for transmitting contents, a contents receiving equipment for receiving contents, a first digital interface for outputting compressed/expanded digital signal from the contents transmitting equipment to the contents receiving equipment, and a second digital interface connecting means for transmitting and receiving data between and connecting the contents transmitting equipment to the contents receiving equipment (*Komuro*: Fig 11; Page 11-12, Sec 87-94).

As to **claim 18**, *Komura* discloses a revocation information transmitting apparatus comprising:

a plurality of contents transmitting equipments for transmitting contents (*Komuro*: Fig 11; Page 8, Sec 71 and Page 11-12, Sec 87-94);

a plurality of contents receiving equipments for receiving contents, which are respectively connected to the plurality of contents transmitting equipments (*Komuro*: Fig 11; Page 8, Sec 71 and Page 11-12, Sec 87-94);

a first digital interface for outputting compressed/expanded digital signal from the contents transmitting equipment to the contents receiving equipment (*Komuro*: Fig 11;

Page 8, Sec 63 and Page 11-12, Sec 87-94);

a second digital interface connecting means for transmitting and receiving authentication information of the contents receiving apparatus between connecting the contents transmitting equipment to the contents receiving equipment (*Komuro*: Fig 11; Page 11-12, Sec 87-94);

a means for executing mutual authentication between the contents transmitting equipment and the contents receiving equipment (*Komuro*: Fig 11; Page 11-12, Sec 87-94); and

an outputting means for outputting revocation information including key information of mutual authentication failure from the contents transmitting equipment or the contents receiving equipment in case of failure in the mutual authentication (*Komuro*: Fig 11; Page 11-12, Sec 87-94).

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. **Claims 1, 3-5, 9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application Publication No. EP0930556 by *Komuro et al.* in view of Industrial Standard 13818-1, “Information technology – Generic coding of moving pictures and associated audio information: Systems” by ISO/IEC.**

As to **claim 1**, *Komuro* discloses a revocation information transmission method used in a system including first and second contents transmitting devices for transmitting contents, and first and second contents receiving devices for receiving contents (Komura: Fig 11, Page 8; Sec 71 and Page 11-12, Sec 87-94), the method comprising the steps of:

executing mutual authentication between the first and second contents transmitting devices and the first and second contents receiving devices, respectively, the first and second contents transmitting devices reading authentication information of the first and second contents receiving devices (Komura: Fig 11, Page 8; sec 71 and Page 11-12, Sec 87-94);

individually uploading revocation information including key information of mutual authentication failure from the first and second contents transmitting devices or the first and second contents receiving devices in case of mutual authentication failure (Komura: Fig 11, Page 8; sec 71 and Page 11-12, Sec 87-94);

integrating the revocation information from the first contents transmitting device with the revocation information from the second contents transmitting device, as integrated revocation information (Komura: Fig 11, Page 8; sec 71 and Page 11-12, Sec 87-94); and

transmitting the stream (Komuro: Fig 11; Page 11, Sec 88-90).

Komura does not expressly packetizing the integrated revocation information and multiplexing the packetized revocation information into a stream (IEC: Fig Intro 1; Page X-XI).

IEC discloses packetizing the integrated revocation information and multiplexing the packetized revocation information into a stream (IEC: Fig Intro 1; Page X-XI).

Komuro and IEC are analogous art because they are from the common area of data transmission and protection.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to use a standard method to packetize and stream data. The rationale would have been to allow for interoperability.

As to **claim 3**, the modified Komura/IEC reference further discloses wherein the stream is an MPEG transport stream, and the integrated revocation information is

transmitted by using a data structure of section of the MPEG transport stream (*IEC*: Fig Intro 1; Page X-XI).

As to **claim 4**, the modified *Komura/IEC* reference further discloses wherein the stream is an MPEG transport stream, and the integrated revocation information is transmitted by using a data structure of PES packet of the MPEG transport stream (*IEC*: Fig Intro 1; Page X-XI).

As to **claim 5**, the modified *Komura/IEC* reference further discloses wherein the stream is an MPEG transport stream, and the integrated revocation information is transmitted by using a payload of transport packet of the MPEG transport stream (*IEC*: Fig Intro 1; Page X-XI).

As to **claim 9**, the modified *Komura/IEC* reference discloses a revocation information transmitting apparatus comprising:

a plurality of contents transmitting devices for transmitting contents (*Komura*: Fig 11, Page 8; sec 71 and Page 11-12, Sec 87-94);

a plurality of contents receiving devices for receiving contents, which are respectively connected to the plurality of contents transmitting devices; (*Komura*: Fig 11, Page 8; sec 71 and Page 11-12, Sec 87-94);

a first digital interface for outputting a compressed/expanded digital signal from the contents transmitting device to the contents receiving device (*Komuro*: Fig 11; Page 8, Sec 63, 71 and Page 11-12, Sec 87-94);

a second digital interface for transmitting and receiving authentication information of the contents receiving device between the contents transmitting device and the

contents receiving device (*Komuro*: Fig 11; Page 8, Sec 63, 71 and Page 11-12, Sec 87-94);

a network for sucking up revocation information from the plurality of contents transmitting devices or the plurality of contents receiving devices in case of mutual authentication failure between the contents transmitting devices and contents receiving devices (*Komuro*: Fig 11; Page 8, Sec 63, 71 and Page 11-12, Sec 87-94);

an integrating means for integrating the revocation information from the contents transmitting devices or the contents receiving devices, which is connected to the network (*Komuro*: Fig 11; Page 8, Sec 63, 71 and Page 11-12, Sec 87-94);

a multiplexing means for packetizing the integrated revocation information integrated by the integrating means and multiplexing it into a stream (*IEC*: Fig Intro 1; Page X-XI); and

a transmitting means for transmitting the stream (*Komuro*: Fig 11; Page 8, Sec 63, 71 and Page 11-12, Sec 87-94).

As to **claim 11**, the modified *Komura/IEC* reference further discloses wherein the stream is an MPEG transport stream, and the integrated revocation information is transmitted by using a data structure of section of the MPEG transport stream (*IEC*: Fig Intro 1; Page X-XI).

As to **claim 12**, the modified *Komura/IEC* reference further discloses wherein the stream is an MPEG transport stream, and the integrated revocation information is transmitted by using a data structure of PES packet of the MPEG transport stream (*IEC*: Fig Intro 1; Page X-XI).

As to **claim 13**, the modified *Komura/IEC* reference further discloses wherein the stream is an MPEG transport stream, and the integrated revocation information is transmitted by using a payload of a transport packet of the MPEG transport stream (*IEC*: Fig Intro 1; Page X-XI).

As to **claim 19**, the modified *Komura/IEC* reference further discloses wherein: the first contents transmitting device includes a first digital interface for outputting a compressed/expanded digital signal to the first contents receiving device, and a second digital interface for executing the mutual authentication between the first contents transmitting device and the first contents receiving device (*Komuro*: Fig 11; Page 11-12, Sec 87-94), the method further comprising: receiving the stream by the first contents transmitting device (*Komuro*: Fig 11; Page 8, Sec 63-65); and selectively outputting, via the first digital interface of the first contents transmitting device, the compressed/expanded digital signal to the first contents receiving device responsive to the integrated revocation information received in the stream (*Komuro*: Fig 11; Page 8, Sec 63-65).

**14. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application Publication No. EP0930556 by *Komuro et al.* in view of Industrial Standard 13818-1, “Information technology – Generic coding of moving pictures and associated audio information: Systems” by *ISO/IEC* further in view of U.S. Patent No. 5,692,124 by *Holden et al.***

As to **claims 6 and 14**, the modified *Komuro/IEC* reference discloses all recited elements of claims 1 and 9 from which claims 6 and 14 depend.

The modified reference does not expressly disclose wherein the integrated revocation information is transmitted by using an IP packet.

*Holden* discloses wherein the integrated revocation information is transmitted by using an IP packet (*Holden*: Col 18, Lines 30-38).

The modified reference and *Holden* are analogous art because they are from the common area of data transmission and protection.

At the time of invention, it would have been obvious to a person of ordinary skill in the art to transmit revocation data in an IP packet. The rationale would have been to allow for transfer over a TCP/IP network.

### **REMARKS**

15. Applicant has presented amendments the claims. The examiner maintains the rejections, see remarks below.

#### **The Applicant Argues:**

16. Applicant argues that *Komura* fails to disclose individually uploading revocation information from the first and second content devices and integrating said revocation information.

17. **In response**, the examiner respectfully submits:

*Komura* discloses uploading revocation information from the information processing apparatus via a transmission line to be integrated with revocation information from "other information processing apparatus" in paragraph 71 on page 8.

This disclosure clearly anticipates that there is a plurality of devices, all of which are uploading and sharing revocation information which is integrated into a single revocation list which is then re-distributed to all of the apparatuses.

***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. McNally whose telephone number is (571)270-1599. The examiner can normally be reached on Monday through Friday 9:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571)272-4195. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nasser Moazzami/  
Supervisory Patent Examiner, Art Unit 2436

/M. S. M./  
Examiner, Art Unit 2436  
29 January 2010